IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

W.A.No. 655 of 2005()

AGAINST THE JUDGEMENT/ORDER IN WPC.22786/2004 Dated 05/11/2004
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APPELLANT/ THIRD PARTY:

KOLLAM JILLA KALLU CHETHU MADYA
VYAVASAYA THOZHILALI UNION,(REG.NO.02/04/2004),
KARUNAGAPPALLY, KOLLAM DISTRICT.
REP. BY ITS SECRETARY, N.BHADRAN PILLAI.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.NAIR AJAY KRISHNAN
SRI.SAIJO HASSAN
SRI.A.S.SABU
SRI.JIBU P.THOMAS
SRI.NAGARAJ NARAYANAN

RESPONDENTS/ PETITIONER & RESPONDENTS:
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1. G. MANOHARAN, PLANTHUNDIL VEEDU,
KAVUMKULANCHERRY, PUNALUR.

2. STATE OF KERALA, REP. BY THE
CHIEF SECRETARY TO GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. JOINT LABOUR COMMISSIONER AND
CHEIF WELFARE FUND INSPECTOR, KERALA ABKARI
WORKERS WELFARE FUND BOARD, THIRUVANANTHAPURAM.

4. ASSISTANT EXCISE COMMISSIONER,
KOLLAM.

5. EXCISE CIRCLE INSPECTOR,
EXCISE CIRCLE OFFICE,
PUNALUR.

6. SURESH KUMAR, AJITH BHAVAN,
PIDAVOOR P.O., PATHANAPURAM,
PATHANAPURAM.

7. SURENDRAN, PARAVILA VEEDU,
MANJALLUR, PATHANAPURAM.

BY GOVERNMENT PLEADER SRI. BASANT BALAJI
ADV. SRI.VPK.PANICKER
SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SMT.SREELEKHA PUTHALATH
SRI.A.R.DILEEP
SRI.ABRAHAM GEORGE JACOB
SRI.GOWTHAM
SRI.K.K.BABU,SC FOR KAWWFB.
GOVERNMENT PLEADER
SRI.V.K.MOHANAN, SC, KAWWF BOARD
SRI.SOJAN JAMES, SC,KAWWF BOARD

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & M.N.KRISHNAN,JJ

W.A.No.655 OF 2005

DATED THIS THE 5TH DECEMBER, 2006

JUDGMENT

The point raised in this appeal has been considered by the apex court in **Kerala Samsthana Chethu Thozhilali Union Vs. State of Kerala [2006 (2) KLT 270 (SC)]** and it was held that the rule is ultravires and the judgment of this court reported in **Anilkumar Vs. State of Kerala (2005 (1) KLT 130)** stands overruled. Hence, this appeal is dismissed.

K.S.RADHAKRISHNAN,JUDGE.

M.N.KRISHNAN,JUDGE

dvs